

Exhibit A  
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1           1.4 Defendant Amazon is registered and licensed to conduct business in Washington  
2 State, including King County.

3           1.5 At all times relevant, Defendant Amazon was Plaintiff's employer pursuant to  
4 RCW 49.60.040(11) and Title VII.

5                           **II. JURISDICTION AND VENUE**

6           2.1 This Court has jurisdiction over the parties pursuant to RCW 2.08.010 and RCW  
7 49.60.030.

8           2.2 Venue is proper in King County, Washington because Defendant transacts business  
9 in King County and because the activities which gave rise to these allegations took place in King  
10 County, Washington. RCW 4.12.025(1) and (3).

11                           **III. FACTUAL ALLEGATIONS**

12           3.1 Wescott has suffered from various diagnosed psychiatric conditions for the last  
13 twelve years of his life that permeate and permanently affect many of his major life activities.

14           3.2 Wescott copes with his conditions in a variety of ways including visiting a  
15 psychiatrist, using a support dog, a prescription medication, and accommodations as needed to  
16 assist with concentration.

17           3.3 Wescott was first hired at Amazon in November 2015 as a Business Analyst  
18 working in the International Human Resources Department.

19           3.4 Upon hire, Wescott was granted the accommodation of a special seating  
20 arrangement to ensure nobody was behind him or immediately next to him in an enclosed space.

21           3.5 Wescott's primary job responsibilities included coding, designing and distributing  
22 employee-related metrics for the International, Corporate Affairs, and Kindle Content human  
23 resources teams.

24           3.6 In November 2016, Wescott was transferred and received a \$40,000 total  
25 compensation increase to Data Engineer II in the Prime Now Supply Chain.  
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1           3.7     Wescott managed coding, design, and distribution of reporting related to the Prime  
2 Now Supply Chain network. Wescott's primary projects included setting up and maintaining new  
3 Redshift cluster to replace Amazon's old and malfunctioning database reporting system and  
4 creating an ASIN forecast failure report to explain misses throughout Amazon's entire supply  
5 chain that would assist in forecasting stocking failures.

6           3.8     Wescott received a raise and stock grants showing he was recognized as a top  
7 performing employee in 2017.

8           3.9     In 2018, Wescott transferred roles to the Devices Finance team.

9           3.10    In December 2018, Wescott moved to the Twitch Prime department and Alix  
10 Gierke became his supervisor. His former supervisor, Ms. Yan, wrote Wescott a positive review  
11 to Gierke during his transfer application in November 2018 which listed no performance concerns.

12           3.11    In early 2019, Wescott was rated as a Top Tier Employee receiving base salary  
13 increases and additional stock grants based on Ms. Yan's sterling feedback.

14           3.12    Gierke would give Wescott positive performance reviews and had no concerns with  
15 Wescott's performance or behavior in any way.

16           3.13    As a result, Wescott received a 5.3% salary increase and a new stock grant of 74  
17 shares vesting over the next two years consistent with Amazon's policy on rewarding employees  
18 who are in the "top tier."

19           3.14    In June 2019, Gierke informed Wescott that she was planning to place him on the  
20 promotion track and was set to be promoted in Q2 2020. She entered this into Amazon's HR  
21 promotion system and announced the planned promotion and the timeline during the mid-year  
22 talent review to the organization's leadership including Plotnick.

23           3.15    In August 2019, Gierke gave Wescott a mid-year review indicating that Wescott  
24 had met or exceeded all leadership principles.  
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1           3.16 In the summer of 2019, Gierke was also placed under investigation relating to  
2 various allegations of misconduct against her by another co-worker who asserted that Gierke had  
3 made inappropriate comments regarding her mental health. Amber Yun, who had witnessed the  
4 inappropriate comments, confided in Gierke that she told the investigator what she had witnessed.  
5 Despite having good performance previously, Gierke began documenting performance issues  
6 against Yun resulting in her eventual resignation.

7           3.17 In October 2019, Wescott took vacation to care for his mental health due to  
8 comments Gierke and others had been making about his conditions and Gierke's failure to remedy  
9 the situation.

10           3.18 Previously, Wescott had begun complaining to Gierke about her treatment of  
11 Wescott in comparison to other coworkers when he brought up certain work related concerns. He  
12 felt as though she was dismissive of his concerns in comparison to his coworkers and that she  
13 would use his health condition as a reason to dismiss legitimate issues he was facing.

14           3.19 One of Mr. Wescott's coworkers, Andrew Clayton had been yelling at Wescott and  
15 treating him poorly.

16           3.20 When Wescott went to Gierke with his concerns, Gierke would dismiss them saying  
17 that "it's just in your head" and to "just go see a therapist." Gierke would use what she knew about  
18 Wescott's disability to dismiss his concerns and not address them.

19           3.21 In November 2019, Gierke moved Wescott's promotion from Q4 2019 to Q1 2020  
20 in the HR system.

21           3.22 In December 2019, Gierke indicated she would submit his promotion in Q2 2020.  
22 She also sent Wescott a card indicating "it has been amazing watching you grow and learn plus  
23 continue to shine as the highest-quality engineer and standards in our entire ecosystem. I am  
24 eternally grateful for your guidance and leadership plus your value of selflessly doing what's right,  
25 period. Thank you for EVERYTHING."  
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1           3.23 In January 2020, Gierke and Wescott continued to discuss Wescott's upcoming  
2 promotion.

3           3.24 In early January 2020, the treatment and comments Gierke was making were getting  
4 so bad that Wescott felt he needed to go to the next level manager.

5           3.25 On January 14, 2020, Wescott complained to Gierke's supervisor and the director,  
6 Larry Plotnick, stating that he felt like Gierke's comments were inappropriate and discriminatory.

7           3.26 On January 14 and 15, 2020, Wescott had meetings with Gierke during which he  
8 indicated that he had to go to Plotnick about his concerns because Gierke had not timely responded  
9 to his concerns and because Gierke had been making the discriminatory remarks herself over the  
10 past few months.

11           3.27 On January 25, 2020, Gierke removed Wescott's needed reasonable  
12 accommodation of a seating arrangement without anybody behind him or anyone near him in a  
13 confined space without prior notice to him and without reason.

14           3.28 On information and belief, Wescott was labeled by Amazon as a "red" employee  
15 because he raised discrimination-related concerns. Amazon tracks employees who make such  
16 complaints and that employee becomes subjected to heightened scrutiny of their performance and  
17 behavior as compared to "non-red" employees.

18           3.29 On February 5, 2020, Gierke and Wescott had a 1:1 meeting. Gierke did not raise  
19 any prior performance deficiencies at this meeting.

20           3.30 Wescott emailed Human Resources informing them that Gierke was retaliating  
21 against him further and that he was going to file an EEOC charge.

22           3.31 Wescott submitted a signed intent to file a charge with the EEOC that same day.

23           3.32 Later that same day, Gierke emailed Wescott threatening to place him on a  
24 performance development plan even though he was a top tier employee and being put up for  
25 promotion.  
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1           3.33 Gierke's email made specific references to concerns that were a direct result of  
2 Wescott's psychiatric conditions or medication he took to assist with his psychiatric conditions  
3 including concerns about his body language, tone, and facial expressions which are affected by his  
4 medication.

5           3.34 Then Gierke started "coaching" Wescott for the newly alleged performance  
6 deficiencies beginning on February 12, 2020 and began entering falsified and defamatory versions  
7 of events into Amazon's performance management tool, Focus.

8           3.35 Employees who are labeled as "coached" in Amazon's HR system are eventually  
9 moved to a formal negative performance program and eventual termination as part of Amazon's  
10 unregretted attrition (URA) goals.

11           3.36 For Wescott's 2020 annual performance review, Gierke reversed course and gave  
12 Wescott an unexpected "Least Effective" rating which resulted in no base salary increase, no  
13 additional stock grants, and removal from the promotion track.

14           3.37 But for Wescott's complaints and requests for accommodation, he would not have  
15 suffered such an adverse action.

16           3.38 On March 19, 2020, Wescott had another 1:1 meeting with Plotnick. Plotnick  
17 recommended that Wescott seek an accommodation of a new manager.

18           3.39 Despite Plotnick's recommendation, Amazon denied the request and has not  
19 recommended any other solutions to accommodate Wescott.  
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**IV. CAUSES OF ACTION**

**FIRST CAUSE OF ACTION**

**Retaliation**

**Washington Law Against Discrimination, RCW 49.60.210(1)**

**Title VII, 42 U.S.C. § 2000e *et seq.***

4.1 Plaintiff re-alleges and incorporates herein the preceding paragraphs of this Complaint.

4.2 Plaintiff complained about Defendant's discriminatory and retaliatory treatment based on his disability and requested disability accommodations.

4.3 Plaintiff reasonably believed such actions of the Defendant to be unlawful and that requesting accommodations is protected conduct.

4.4 Plaintiff's complaints and requests for accommodation were the cause of the decision to issue Plaintiff a negative performance rating and not give me a salary increase or additional stock grants.

4.5 As a direct and proximate cause of defendant's actions, Plaintiff has been damaged in an amount to be proven at trial.

**SECOND CAUSE OF ACTION**

**Disability Discrimination**

**Washington Law Against Discrimination, RCW 49.60 *et seq.***

4.6 Plaintiff re-alleges and incorporates herein the preceding paragraphs of this Complaint.

4.7 Plaintiff suffered from a disability within the meaning of RCW 49.60 and the ADA.

4.8 Plaintiff was able to perform the essential functions of his job.

4.9 Defendant was aware of Plaintiff's disability and the need for accommodation.

1           4.10 Plaintiff's negative performance review constituted disparate treatment due to his  
2 disability and requests for accommodation.

3           4.11 As a result of Defendant's violations, Plaintiff has been damaged in an amount to  
4 be proven at trial.  
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7                           **THIRD CAUSE OF ACTION**  
8                           **Failure to Accommodate Disability**  
9                           **Washington Law Against Discrimination, RCW 49.60 et seq.**

10           4.12 Plaintiff re-alleges and incorporates herein the preceding paragraphs of this  
11 Complaint.

12           4.13 Plaintiff was disabled within the meaning of RCW 49.60 and the ADA.

13           4.14 Plaintiff gave notice to Defendants regarding his disability and limitations, and  
14 requested an accommodation that was subsequently denied.

15           4.15 Upon notice, Defendant failed to further accommodate Plaintiff or to engage in the  
16 interactive process.

17           4.16 Defendant failed to continue to affirmatively adopt available measures that were  
18 medically necessary to accommodate his disability.

19           4.17 As a result of Defendant's violations, Plaintiff has been damaged in an amount to  
20 be proven at trial.

21                           **V. PRAYER FOR RELIEF**

22           **WHEREFORE**, Plaintiff prays judgment in his favor and for relief as follows:

23           5.1 Injunctive relief including an order revoking the adverse actions taken against  
24 Plaintiff;  
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1           5.2     Economic damages for back pay, front pay, lost benefits, etc. in an amount to be  
2 proven at trial;

3           5.3     Damages for actual compensatory, consequential, and incidental damages as  
4 alleged herein or as proven at trial;

5           5.4     Damages for loss of enjoyment of life, pain and suffering, mental anguish,  
6 emotional distress, and humiliation;

7           5.5     Punitive damages;

8           5.6     Compensation for any tax penalty associated with any recovery;

9           5.7     Reasonable attorneys' fees and costs

10          5.8     Pre-judgment and post-judgment interest; and

11          5.9     Such other and further relief as the Court deems just and equitable.

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13         DATED this 11th day of May, 2020.

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